

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as  
Administratrix of the Estate of  
KENNETH WATERS,  
Plaintiff,

v.

TOWN OF AYER, NANCY TAYLOR-  
HARRIS, in her individual capacity,  
ARTHUR BOISSEAU, in his individual  
capacity, BUDDY DECOT, in his  
individual capacity, WILLIAM  
ADAMSON, in his individual capacity,  
PHILIP L. CONNORS, in his individual  
capacity, an JOHN DOE AND JANE  
DOES 1-16, in their individual capacities,  
Defendants.

C.A. No. 04-10521-GAO

**KEEPER OF THE RECORDS,  
MIDDLESEX COUNTY DISTRICT ATTORNEY'S OFFICE'S  
MOTION TO QUASH SUBPOENA FOR DOCUMENTS**

The Keeper of the Records for the Middlesex County District Attorney's Office, a non-party, through counsel, hereby moves to quash the subpoena served on him on or about March 11, 2005, for production of documents in connection with the above-captioned matter.<sup>1</sup> As grounds for this motion, and set forth in greater detail in the accompanying memorandum of law, the subpoena should be quashed because it seeks disclosure of privileged and/or other protected matter to which no waiver or exception applies. Specific common law and statutory provisions of Federal and Massachusetts law require the confidentiality of this information and forbid its

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<sup>1</sup>A copy of the subpoena is attached to the accompanying memorandum of law as Exhibit A.

dissemination. *See* Fed. R. Civ. P. 26(b)(3); Fed. R. Civ. P. 45(C)(3)(A)(iii); Mass. Gen. L. ch. 4, § 7, clause twenty-sixth; Mass. Gen. L. ch. 6 §§ 167-178; Mass. R. Crim. P. 5(d); Mass. Gen. L. ch. 66, § 10. Moreover, to the extent that the subpoena seeks information which is not privileged, this information is available from other sources. Therefore the Middlesex District Attorney's Office asks that the plaintiff's subpoena be quashed. In the alternative, the District Attorney's Office requests that this Court issue an appropriate protective order in its favor.

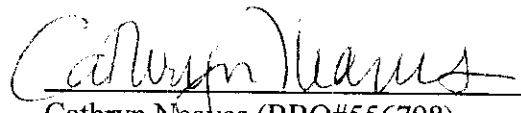
**Local Rule 7.1 Conference**

Counsel for the Middlesex District Attorney attempted to confer with plaintiff's counsel, but was unable to reach him before filing this motion.

Respectfully submitted,

MIDDLESEX COUNTY DISTRICT  
ATTORNEY'S OFFICE,  
By their attorney,

THOMAS F. REILLY,  
ATTORNEY GENERAL



Cathryn Neaves (BBO#556798)  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200, ext. 2557

Dated: April 28, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2005 I served a true copy of the undersigned to plaintiff by mailing a copy of the same, first-class mail, postage pre-paid, to his counsel as follows:  
Howard Friedman, Esq., 90 Canal Street, Boston, Massachusetts 02114.

  
Cathryn A. Neaves